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09/318,447	05/25/1999	PERI HARTMAN	23984-12275	1430
758 7590 01/28/2010 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041				
EXAMINER				
FADOK, MARK A				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/318,447

**Applicant(s)**

HARTMAN ET AL.

**Examiner**

MARK FADOK

**Art Unit**

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 108-116, 124, 125, 151-154, 157 and 176-182 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 108-116, 124, 125, 151-154, 157 and 176-182 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of the response to office action mailed 9/4/2009 which was received 12/4/2009. Acknowledgement is made to the amendment to claims 108,124,151,157 and 176. Applicant's remarks were carefully considered and were persuasive in regards to the USC 101 rejection. Applicant's amendment has further obviated the USC 112 second and forth paragraph rejections. However the USC 112 paragraph 1 and the USC 103 rejections stand and are restated below modified as necessitated by amendment.

### ***Examiner's Note***

Based on applicant's arguments and since there is no direct support in the specification for "without requiring a user to log into the server system". The examiner understands this phrase to mean that an authentication is required by the server to access a program (see applicant's response received 6/2/2009 pages 7 - 8 and Microsoft Dictionary definition). The user needs to provide a user ID/password to authenticate and gain access to the server to change the profile of the user whereas if the user is purchasing an item using a single action, the cookie that is sent from the client by the client is used by the server to authenticate the client and permit the purchase process to proceed i.e. no log in/authentication is made by the user because the client browser is sending the authentication information used to gain access.

Please note that the only place that the term login is mentioned is col 4, lines 45-55 and col 5, lines 10-25 and one has to do with the changing of shipping information and the other is related to an embodiment where a log in is alternatively required to activate the single action feature. Therefore the examiner understands that the identity of the purchaser is not verified before the single action ordering is enabled.

### ***Information Disclosure Statement***

The information disclosure statement filed 6/15/2009 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Applicant argues that C12 has already been considered in the IDS filed 2/13/2006 which was considered 6/15/2009. The examiner first asks why the applicant has resubmitted the same reference if it has already been considered. This practice is adding an undue burden on the examiner especially when the applicant refers the examiner to other locations to sift through hundreds of submitted references to identify what applicant allegedly has already submitted. The examiner has however, reviewed the prior submittal and located what might be the subject reference having the title "ecash starting a shop". This reference does not contain the http address cited in the

C12 reference, nor does it have phrases such as "running your own shop server" which are noted in the description of the cited art.

Applicant states that in regards to C49,C104,C111,C171,C199,C244-C249,C251,C291-C294,C298,C327-C336,C342,C343,C412,C427,C432, the contents could be found in box 4. Please note that according to office practice the contents as received are now scanned so that the references can be viewed by not just the examiner but also the public (as appropriate). The examiner did not search the physical contents from box 4, but the contents that were scanned from the submittal. Since these references were not available in EDAN and applicant cannot direct the examiner to the location in EDAN the examiner is left to believe that they are lost. Please also note that applicant indicates that the electronic copies are readily available on PAIR but does not indicate where specially the references may be located within PAIR.

Applicant states that in regards to C158 there were a number of files submitted in the CD that were in ASCII format. This indicates that applicant admits that there are items that are not in ASCII. Once again the examiner has attempted to open the CDs filed as artifacts and was unable to review them because when attempts were made to open the CD the file contents were not in ASCII format resulting in an inability to open the files on the examiner's provided Office equipment.

In regards to references C427-C431, the examiner cannot make direct correlation since applicant did not identify which cite number in the 6/15/2009 IDS relates to which cite number in the 12/15/2009 submitted IDS.

In the future, to avoid confusion, the examiner suggests that the applicant resubmit a new IDS with only those references that were not considered along with copies of those references.

Along with the response to applicant's arguments *supra*, the previous IDS notes are restated below:

In this case cite numbers C12,C49,C104,C111,C171,C199,C244-C249,C251,C291-C294,C298,C327-C336,C342,C343,C412,C427,C432 could not be located. In regards to C158, this reference was provided by applicant on a CD but the CD could not be read because it was not provided in ASCII format as required by the MPEP. There were numerous articles concerning Http, however, since the documents were not each identified as being associated with a particular citing and citing C427-C431 did not include any information regarding the specifics of the various documents the examiner could not ascertain which references belonged to which citing. In regards to C414, web archive number is listed as ...19961104175635... but should be ...19961104175627.... C416 indicated there are 5 pages, the examiner found 11, C417 indicted 11 pages the examiner only found 5, C339 indicates there are 71 pages, the examiner only found 63, C304 indicates there are 85 pages, the examiner could only find 56, C305 indicates that there are 12 pages the examiner could only find 9 pages.

As a new issue related to the IDS submitted 12/4/2009, the following are the reasons why certain references were not considered.

References C29,C36 and C47 were not legible, C70-C108 were not available for consideration, and the resubmitted IDS's were X'ed thru since these IDSs have been previously considered.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 108-116,124,125,151-154,157 and 176-182 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case applicant argues that the prior art has two distinct steps and that the instant invention only has one, however, applicant is providing a second step where further interaction from the user is required including a log in sequence that is not required by the claim in the preceding step. Applicant's 411 patent col 4, lines 33-35 indicates that single action ordering is accomplished unless the purchaser takes some other action to modify the order. In this case the single action order is stopped when the second part of the claim is accomplished by requiring the

user to further interact with the server in order to change the account information. One skilled in the art would not be able perform a single action order based on the claimed process as a whole.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 108-113, 117, 151-155, 176-180,183 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch (US 5,963,915) in view of Levy (article see PTO 892, recaptured from IDS dated 1/12/2009 in copending case 11618452) or Joseph (US 5,819,034).**

**In regards to claim 108,151,176** Kirsch discloses a method in a client system for ordering an item, the method comprising:

receiving from a server system a client identifier of the client system (cookie data col 8, lines 10-20); persistently storing the client identifier at the client system (Abstract);



for an item to be ordered, providing for display information identifying the item and an indication of a single action that is to be performed to order the identified item (col 8, lines 64 - col 9, lines 4); and

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier without requiring a user having to log in to the server system (col 13, lines 15-67, client sends ID and password to server by appending the ID to the product URL which requires no log in by the user since the client identifies the user's account with a cookie that is sent with the URL to the server. It is further noted that the confirmation form being sent to the client browser is a preferred embodiment (col 13, lines 54 and 55 see also col 8, lines 60-65, cookie obviates the need for the client user to re-authenticate manually, i.e. user does not need to log in).

Kirsch teaches that a one click order request is provided to a server that includes sending to the server system a request to order an identified item along with a client identifier that authenticates and identifies the account information of the user stored on the server (col 8, lines 13-20). The server then gathers all the information required to execute a transaction and provides a confirmation page to the customer to confirm that the order is correct before being processed (col 9, lines 1-3). Kirsch further implicitly contemplates an order being purchased with just one of the phases in that Kirsch states "the confirmation form being sent to the client browser is a preferred embodiment" (col 13, lines 54 and 55). Also, col 8, lines 60-65, the cookie obviates the need for the client user to re-authenticate manually, i.e. user does not need to log in, suggesting that the

confirmation step is not needed to complete the transaction). Kirsch also teaches that "that the determination of when to send a confirmation 108 can be made subject to the dollar amount of the purchase, the client user's purchase history, or other criteria..." (Kirsch col 15, lines 3-5). However, Kirsch does not explicitly teach that there is not a confirmation page sent to the buyer or that the confirmation page does not require action on the part of the user. Levy teaches "You're cruising the Net, hopping from link to link with your favorite browser. In a small window in the corner of your screen sits a ledger. "\$100.00," it reads. As you land on a favorite Web site, something strikes your fancy--an annotated bibliography of every article ever written about Sandra Bullock! Only five bucks. You click on a button, and the file is downloaded to your computer. That tiny ledger on your screen now reads "\$95.00."" which consummates an order without a confirmation page (Levy, page 1). As a further showing, Joseph, in the same field as the instant invention (applicant's patent "441" teaches the use of the instant invention in a television based system col 6, lines 35-39) also teaches the use of a single action method where an order is placed and a confirmation page is sent that does not require any action on the part of the user (Joseph, col 8, line 53- col 9, line 2). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Kirsch processing the order without a confirmation step or providing a confirmation where no action is required by the user, because this would remove redundant user input when staging a transaction over the internet (Kirsch, col 4, lines 65-67) and thus save time by the user.

the client identifier identifying account information previously supplied by a user of the client system (Kirsch, col 8, lines 13-20, and col 13); and  
responsive to a request to change account information,  
receiving log in credentials of the user;  
receiving updated account information (col 14, lines 60-65)  
sending the updated account information to the server system (col 5, lines 22-27 and col 14, lines 45-65).

The feature in claim 176, "generating an order for the identified item using the account information associated with the received client identifier" can be found in Kirsch FIG 3, item 82, col 8, line 10-35 and col 14, lines 1-20. For the feature in claim 176, "updating the account information associated with the client identifier of the logged in user based on the received updated account information" see Kirsh, col 14, lines 55-65.

In regards to the feature added to claims 108 and 151, the combination of Kirsch Levy or Joseph teach that the "updated account information is sent with the client identifier". As a first point, applicant's Patent "411" page 6, lines 12-19 states "...the server system assigns and sends the client identifier to the client system once when the client system first interacts with the server system. From then on, the client system includes its client identifier with all messages sent to the server system so that the server system can identify the source of the message." So there does not appear to be any particular advantage to adding the identifier to the change request as apposed to any other request sent from the client.

Also, Kirsch clearly teaches sending a client identifier with any client request that corresponds to a request as follows:

"Thereafter, should the client user again select the purchase portion of the hyperlink image map 26, or any other purchase selection hyperlink that corresponds to the same vendor operating from the Server-2 34, a new secure session T2 is established, the client-side cookie is provided to the Server-2 34, and a confirmation form is presented to the client user. The client-side cookie provided during the secure session T2 specifically encodes sufficient information to authenticate the client user to the Server-2 34, thereby obviating the need for the client user to re-authenticate manually" (Kirsch col 8, lines 53-64).

"Where a cookie is provided 68 with the URL request issued by the client browser, the cookie is utilized to perform a database look-up to identify a client user account record. Regardless of whether the cookie has been encrypted, the cookie data can be utilized as the account reference for performing the database look-up of a client user record. The cookie data can then be validated against the information present in the account record" (Kirsch col 13, lines 32-39).

Kirsch further teaches sending a request to the server to change information. Kirsch does not specifically mention, however, that the information change request includes a client cookie/persistent client identifier. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Kirsch, Levy or Joseph, sending the client identifier with the web page that includes updated account information, because "... the cookie data can be utilized as the account reference for performing the database look-up of a client user record. The cookie data can then be validated against the information present in the account record" (Kirsch col 13, lines 32-39).

**In regards to claim 109,152,177** the combination of Kirsch and Levy teaches wherein the account information includes billing information (Kirsch, col 12, line 55 – 67).

**In regards to claim 110,153,178**, the combination of Kirsch and Levy teaches wherein the account information includes shipping information (Kirsch, col 12, line 55 – 67).

**In regards to claim 111,179**, the combination of Kirsch and Levy teaches wherein the client system and server system communicate via the Internet (Kirsch, FIG 1).

**In regards to claim 112**, the combination of Kirsch and Levy teaches receiving from the server system a confirmation that the order was generated (Kirsch, col 8, lines 25-34).

**In regards to claim 113,154,180**, the combination of Kirsch and Levy teaches the single action is clicking a mouse button for a cursor is positioned over a predefined area of the displayed information" (Kirsch, col 1, lines 40-53).

**Claims 124, 125 and 157 are rejected under 35 U.S.C. 103(e) as being anticipated by Kirsch (US 5,963,915) in view of Levy (article see PTO 892,**

**recaptured from IDS dated 1/12/2009 in copending case 11618452) or Joseph (US 5,819,034) in view of Gulack or in view of Hendricks et al (US 6,539,548).**

**In regards to claim 124,125,157**, the combination of Kirsch and Levy or Joseph teaches a display screen for providing information interactively with a user and permitting cancellation of orders, but does not specifically mention that the information provided is an indication that the order for the item that is requested in response to performing the single action can be canceled within a time period (i.e. "You can cancel within 90 minutes" (applicant's drawing FIG 1A)). However, these differences are only found in the non-functional data provided. Data displayed on a web page providing information is not functionally related to the substrate of the invention. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see Cf. *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide information such as "You can cancel within 90 minutes" as part of the graphical and text information on a web page as is taught by Kirsch (Kirsch, col 1, lines 40-45, quality text and graphical based information), because such data does not functionally relate to the substrate of the invention and merely labeling the information provided on the web page differently from that in the prior art would have been an obvious matter of design choice. See *In re Kuhle*, 526 F.2d 553, 555, 188 USPQ 7, 9 (CCPA 1975).

As an alternative rejection, the combination of Kirsch and Levy or Joseph teaches a display screen for providing information interactively with a user and permitting cancellation of orders (Kirsch col 14, lines 1-20), but does not specifically mention that the order may be canceled in a finite period of time. Hendricks teaches that an order may be canceled within a period of time designated by the seller (FIG 29a and col 37, lines 25-30, "notification of cancellation is provided to the user one or more minutes before a charge is made" which is inclusive of all times including 90 minutes. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in the combination of Kirsch and Levy or Joseph an indication that the order may be canceled in a finite period of time as is taught by Hendricks, because this provides a convenient mechanism for canceling an order that is no longer desired before a charge is made to the customer account, thus assuring that the customer was given an opportunity to cancel an unwanted order thus increasing the satisfaction of the user.

**Claims 114-116, 181, 182 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch (US 5,963,915), in view of Levy or Joseph and further in view of Official Notice.**

**In regards to claim 114-116,181,182**, the examiner takes Official Notice that displaying partial information to protect the user's personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Kirsch and Levi or Joseph, providing partial information, because providing only partial information has notoriously been known to protect the user's identity and personal information from theft.

### ***Response to Arguments***

Applicant argues in regards to the USC 112 first paragraph rejection that the claimed features of single action ordering and the updating of the account information that requires a login are two separate distinct function with information the login step being conditional (see pages 9 and 11 of applicant's remarks). The examiner disagrees and directs applicant's attention to the rejection found in office action mailed 9/29/2008 which rejected the same claim features for conditionally claiming the steps. Applicant in the 12/29/2008 response removed the term "when" to eliminate the conditionality of the "change account information" part of the claim. Therefore the examiner understands that the applicant is claiming an embodiment where each time a single action order is placed a user requests a change to the order, which may be the changing of the shipping address, that requires a log-in based on a change request from the user when they receive a confirmation page (see FIG 1b item 105, col 4, lines 50-55 of the "411" patent, "Once the purchaser clicks the mouse button, the item is



ordered, unless the purchaser then takes some action to modify the order."). As another possible understanding of the claimed feature the applicant may be claiming a process where the user clicks on the one click button and the server determines that there is not sufficient information resulting in a web page requiring a log in to enter the information necessary for the one click ordering process to be enabled. The user enters the information and can now order using the on-click button (see col 5, lines 10-25 of the "411" patent). In this second embodiment from applicant's "411" patent, the order requires 3 plus single actions to accomplish the order. Based on the above rationale the user would always be required to login since the second distinct step is always required in the claim.

Applicant argues that Kirsch does not teach "for an item to be ordered: providing for display...an indication of a single action that is to be performed to order the identified item". Applicant goes on to argue that Kirsch is a two step process and therefore cannot be read on the claimed features as set forth in the independent claims. The applicant next goes on to discredit Joseph and Levy as being non-analogous art because there functionality does not include the identifier being sent to a server where the personal information is stored such as shipping and credit card information. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case

Levy and Joseph are introduced to teach that orders placed over the internet were known to be accomplished without a verification step or action required via a confirmation page and that users were aware of the benefits and drawbacks of instantly withdrawing money from an account without having to have a confirmation page or being provided a confirmation page that does not require action on the part of the user. For this reason applicant's argument that Levy and Joseph do not teach other aspects of the claim is irrelevant.

Further, since Kirsch teaches gathering the information required to order the product in the first step, where a client identifier is appended to a URL that provides all the information to order the part from the server and the confirmation page merely requires a manual click of the confirmation page with no additional information provided to the to finalize the order, the examiner suggests that the difference between Kirsch and the independent claims is merely an automatic means replacing a manual one. In other words, Kirsch teaches a one step order except for the additional click that is requested on a confirmation page. The user adds no additional information except an implied confirmation that the information is correct. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to not require a confirmation page, since it has been held that broadly providing an automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., The log in credentials are the same as the log in and password used to log into the server system (page 16 or applicant's response)) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Kirsch does not teach "responsive to a request to change account information: receiving log in credentials of the user. The examiner disagrees and directs the applicant to the examiner's note along with the rejection of the feature *supra*. It is clear that Kirsch requires that a user provide a password in order to re-authenticate/log in to the server before the server will permit the user to change shipping information.

In regards to claims 124,125,157, applicant argues that Gulak does not apply after the amendment. The examiner disagrees and notes that as discussed above applicant's specification only provides for a non functional display and does not offer any supporting functionality on how the time limit is to be implemented. Applicant also discounts Hendricks, however, applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

**In regards to claims 114-116,181,182** applicant requests a reference to support the examiner's taking of Official Notice of displaying partial information to protect the user's personal information. In response to this request the examiner provides Mitchell which teaches providing partial credit card and other personal information over the internet is important so that the information can be identified by a customer but is difficult for others to use the information illegally since only portions of the information are provided.

In response to applicant's request for more supporting evidence the examiner also provides US 5715399 to Bezos (FIG 3), 5949044 to Walker (FIG 4 and col 10, lines 50-67), 5727163 (FIG 2), and 5960069 to Felger (col 4, lines 58 to col 15, line 13) as further evidence of the old and well known nature of providing partial information for security reasons.

Applicant states that the additional references added (US 5715399 to Bezos (FIG 3), 5949044 to Walker (FIG 4 and col 10, lines 50-67), 5727163 (FIG 2), and 5960069 to Felger (col 4, lines 58 to col 15, line 13)) were not applied. The examiner disagrees and notes that these references are applied in the same manner as Mitchell in that these are references with cited recitations that teach the subject matter claimed. Applicant should consider the cited reference in place of Official Notice and address this well known feature of the subject claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

*Alexandria, Va. 22313-1450*

or faxed to:

**571-273-8300**

[Official communications; including

After Final communications labeled

"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mark Fadok/

Mark Fadok

Primary Examiner, Art Unit 3625